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SUBJECT: IRAQI CRIMINAL EVIDENCE WORKSHOP PROMOTES USE OF
FORENSIC EVIDENCE

¶1. (SBU) SUMMARY: On December 24, 2009, the Iraqi Higher Judicial Council (HJC) hosted a successful one-day workshop on using medical and scientific evidence within Iraqi law to more effectively investigate crimes while maintaining the rights and liberties of Iraqi citizens. Prime Minister Nouri Al Maliki emphasized his support for a strong and independent judiciary and HJC in his public remarks. Our support to this workshop sought to help criminal courts rely on forensic evidence when appropriate, and not only confessions. END SUMMARY.

Despite Bombings, HJC Forges Ahead

¶2. (SBU) On October 25, 2009 a terrorist bombing dislocated the Higher Judicial Council from its headquarters, and on December 8 the HJC was again targeted by a car bomb at the Al Karkh Appeals Court. Less than a month later) on December 24, 2009) the HJC demonstrated its resilience by hosting a successful one-day workshop on using medical and scientific evidence within Iraqi law to more effectively investigate crimes, while maintaining the rights and liberties of Iraqi citizens.

¶3. (SBU) Prime Minister Nouri Al-Maliki, Deputy Minister of Interior Ayden Khaled, representatives of the Ministry of Health (which exploits medical evidence in Iraq), dozens of senior judges and investigators from the HJC, and civil society institutions such as the Iraqi Jurists Union participated in the program. Attending the event as invited guests were the Charge d'Affaires, MNF-I Commanding General, Australian Ambassador, and the UK Deputy Ambassador. The Charge d'Affaires gave opening remarks at the workshop which underscored the importance of forensic evidence in the criminal justice system and praised GOI leadership of the effort

¶4. (SBU) The workshop is part of a much broader budding renaissance in the use of medical and scientific evidence in Iraq. The program is a key first step in a comprehensive plan to inform judges and judicial investigators about the utility of forensic evidence in court and showcase the capabilities of ministries, including Interior and Health, to assist the judiciary with analysis of scientific and medical evidence.

PM Expresses Strong Support for Judiciary

¶5. (SBU) In remarks delivered at the opening of the program

and carried live on the government-sponsored Baghdad Al-Iraqiyah television station, Prime Minister Maliki promised to support justice in whatever it needs, and expressed hope that all government ministries would provide support needed by justice, the judges, and the judicial institutions, including a suitable place, protection, and support and services. Maliki stressed how important an independent judiciary is to building a state governed by law. (COMMENT: Maliki,s remarks were widely covered by print and television media, and the content of his speech is very clear in supporting the HJC,s specific needs as an institution. END COMMENT)

MOI, MOH Officials Provide Technical Expertise

¶6. (SBU) Deputy Minister of Interior Ayden Khaled presented a lecture on Criminal Evidence, which included overviews of crime scene investigation, ballistics, fingerprints, Qcrime scene investigation, ballistics, fingerprints, documents, and trace evidence. Deputy Minister Ayden also pointed out during his presentation that part of the problem with evidence collection in Iraq is that the Iraqi Army often responds to crime scenes before the Iraqi Police and contaminates evidence. He also stated clearly that all investigations in Iraq are under the authority of the HJC, and when investigators ignore this fact evidence is lost and conviction is less likely.

¶7. (SBU) Ministry of Health (MOH) Medical Legal Institute General Director Dr. Munjed Salah Aldeen followed Deputy Minister of Interior Ayden,s presentation with a lecture

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specifically discussing forensic, or medical, evidence such as DNA and autopsy. (NOTE: the MOH Medical Legal Institute is the only facility in Iraq which currently has the capacity to analyze DNA. END NOTE) The MOH scientists presented a polished lecture that explained how forensic science can be helpful to judges, and placed the work of the Medical Legal Institute in the context of the history of forensic evidence in Iraq. The presence of the MOH also helped balance the perception that MOI stands alone in the field of modern evidence analysis.

Comment

¶8. (SBU) The workshop was a success for the HJC and Chief Justice Medhat Al Mahmoud on several levels. First, the HJC led the event, though the US, UK, and Australia gave financial and mentoring support. Second, a better understanding of forensics will be a tool employed by the Chief Justice to strengthen the judiciary. Some judges have shown reluctance to make full use of forensic evidence to date (even the Iraqi police could make better use of it). Third, the presence of the Prime Minister, senior international officials, and members of other ministries at the event provides legitimacy to the HJC and the issue of an independent judiciary, which the Chief Justice has promoted for some time. Chief Justice Medhat,s convincing the Prime Minister, Deputy Minister of Interior, and senior officials from MOH, MOHR, and MOLSA to attend the program also boosted the HJC,s standing within the Iraqi government.

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